

SETTLEMENT OF CLAIMS OF ITALIAN PRISONERS OF WAR

*Exchange of letters, with memorandum and annexes, at Rome
February 14, 1948, supplementing agreement of August 14, 1947
Entered into force February 14, 1948
Supplemented by agreement of January 14, 1949¹*

62 Stat. 3853; Treaties and Other
International Acts Series 1948

The American Treasury Representative to the Minister of the Treasury

AMERICAN EMBASSY
Rome, Italy, February 14, 1948

MY DEAR MR. MINISTER:

With respect to the settlement of certain wartime claims of Italian former Prisoners-of-War, there is attached herewith a Memorandum outlining a proposed procedure for processing such claims still outstanding.

If you are in agreement with the procedure outlined, your letter of acknowledgement, together with this letter and attachment, will constitute a definitive agreement regarding procedure.

Very truly yours,

HENRY J. TASCA
Treasury Representative

His Excellency

GUSTAVO DEL VECCHIO
*Minister of the Treasury
Rome.*

MEMORANDUM WITH RESPECT TO PROCEDURE FOR FINAL SETTLEMENT OF CLAIMS OF ITALIAN FORMER PRISONERS-OF-WAR

The Government of the United States, in order to implement relevant provisions of the "Memorandum of Understanding" reached with the

¹ TIAS 1950, *post*, p. 338.

Lombardo Mission on August 14, 1947,² providing for the settlement of certain wartime claims of individuals in Italy who are Italian nationals and who have claims arising from their status as Prisoners-of-war in custody of the United States, proposes the following procedure for the settlement of such claims:

The Italian Government will immediately upon the effective date of implementation of the proposals below regarding procedures, issue a public announcement, to be circulated in every way possible, requesting Italian nationals who are holders of Military Payment Orders and Certificates of Credit, who have not already done so, to transmit such documents to the Liaison Office, Prisoner-of-war Division, Ministry of Defense. Such Military Payment Orders and Certificates of Credit will be turned over to the appropriate United States authorities for screening and checking. A "Statement of Credit Balance", in lieu of each authentic Military Payment Order or Certificate of Credit presented, will be returned to the Italian Government. The Italian Government is requested to undertake to pay promptly in lire at the rate of exchange as provided below all certified claims as indicated in the individual "Statements" transmitted from time-to-time by the United States Government to the designated Italian authorities. In accordance with Article II, paragraph 11 of the "Memorandum of Understanding" referred to above, the United States Government will pay in dollars to the Italian Government an amount equal to the total of Military Payment Orders and Certificates of Credit collected, as indicated in the aforesaid "Statements of Credit Balance".

In connection with the acceptance of Military Payment Orders and Certificates of Credit, the Italian Government is requested to observe the following safeguards against fraud and erroneous payments:

1. Payee should be required to present positive identification prior to any acceptance and payment for Military Payment Order or Certificate of Credit held.
2. All Military Payment Orders or Certificates of Credit should be signed in the presence of an official of the Italian Government prior to any acceptance or payment.
3. An affidavit of nationality should be submitted by all persons presenting Certificates for payment to the effect that such persons were nationals of Italy on October 31, 1947. Such affidavits of nationality should also be accompanied by a certification by a local official of the Italian Government.
4. No Military Payment Orders will be accepted which appear to have been altered or tampered with in any manner. However, consideration may be given to statements submitted which contain explanations of such altera-

² TIAS 1757, *ante*, p. 215.

tion or tampering of such a nature as clearly to warrant payment of the amount involved.

5. All Military Payment Orders and Certificates of Credit collected will be retained by the United States Government for its official records.

6. Legal heirs of deceased Prisoners-of-War, or person or persons authorized under Italian law to bind an estate in event of death or legal disability will be entitled to payment of Military Payment Orders or Certificates of Credit issued by the United States Government to Prisoners-of-War now deceased or under legal disability, and who at the time of their death were nationals of Italy, provided the steps indicated in Annex I are taken.

7. Legal heirs of a deceased Prisoner-of-War, or person or persons authorized under Italian law to bind his estate in event of death or legal disability will, in addition, execute appropriate certificates as indicated in Annexes I and II, attached to this Memorandum.

The question of whether holders of Certificates shall immediately receive payment in local currency or whether they shall in the first instance receive receipts pending the final working-out of arrangements respecting settlement between the United States and Italy is a matter for decision by the Italian Government.

However, the United States Government does not undertake to pay dollars for counterfeit or improperly documented Certificates of Credit and Military Payment Orders. All such Certificates of Credit and Military Payment Orders discovered by the United States Government subsequent to transfer by the Italian Government and payment therefor in dollars will be subject to refund in dollars from the Italian Government to the United States Government.

All payments made under the above procedure will be free of deductions, commissions and charges. The Italian Government will apply the rate of exchange prevailing on the dollar for United States Government expenditures on the date of announcement of the agreed procedure for conversion of Certificates of Credit and Military Payment Orders.

Holders of Military Payment Orders and Certificates of Credit turned in subsequent to the date of public announcement should be required to sign a statement such as is provided in Annex III to this Memorandum.

The United States Government desires the Italian Government to expedite in every way possible the collection of these instruments over a reasonable period of time. The Italian Government will establish a deadline of two months from the date of public announcement of agreed procedure for the presentation of Military Payment Orders and Certificates of Credit. While the Italian Government will make every effort to assure that all claims are presented on or before two months from the date of the public announcement of the agreement regarding procedure, the United States Government will consider sympathetically any request for extension of such time period.

ANNEX I

AFFIDAVIT BY LEGAL HEIRS FOR ENCASHMENT OF MILITARY PAYMENT ORDERS

1. The person or persons who, under Italian law, are the legal heirs of deceased Prisoners-of-War or who are authorized to bind his estate in the event of his death, mental incompetence, or physical or legal disability, will take the following action in order to effect encashment of Military Payment Orders issued by the United States to Italian former Prisoners-of-War who are now deceased or mentally incompetent, or under physical or legal disability:

(a) On the face of the Military Payment Order, under the caption "Received Payment", the legal heir, (heirs), or person (persons) authorized as herein stated will inscribe the name of the former Prisoner-of-War as indicated on the Payment Order, followed by his own signature and the words "legal heir (heirs) under Italian law" or such other designation as may be appropriate under Italian law.

(b) The following affidavit will be attached to the Military Payment Order, to be completed by the legal heir:

"I (we) declare that under the provisions of Italian law, I am (we are) the legal heir (heirs) or the person (persons) authorized under Italian law to bind the estate of the Prisoner-of-War whose name appears on the attached Military Payment Order, who was, on 15 October 1947 (or at the time of his death), a national of Italy, and who is now deceased, (mentally incompetent), (under physical or legal disability). There is attached herewith a notarial statutory declaration executed in full accordance with Italian law."

(Signature)

ANNEX II

AFFIDAVIT BY LEGAL HEIRS FOR ENCASHMENT OF CERTIFICATES OF CREDIT BALANCE

The person or persons who, under Italian law, are the legal heirs of a deceased Prisoner-of-War, or who are authorized to bind his estate in the event of his death, mental incompetence, or physical or legal disability, will attach to the original Certificate of Credit Balance the following affidavit:

"I (we) declare that under the provisions of Italian law, I am (we are) the legal heir (heirs) or the person (persons) authorized under Italian law to bind the estate of the Prisoner-of-War whose name appears on the attached original Certificate of Credit Balance, who was on 15 October 1947 (or at the time of his death), a national of Italy, and who is now deceased

(mentally incompetent), (under physical or legal disability). In confirmation thereof, there is attached herewith a notarial statutory declaration executed in full accordance with Italian law."

(Signature)

ANNEX III

AFFIDAVIT

HOLDERS OF MILITARY PAYMENT ORDERS AND CERTIFICATES OF CREDIT
TURNED IN AFTER OCTOBER 31, 1947

"I, the undersigned, declare that the attached Military Payment Order and/or Certificate of Credit was issued to me by the United States Government, and was for amounts which, under the provisions of the Conventions on Prisoners-of-War then in force, accrued to my credit for the period I was held in the custody of the United States Government as a Prisoner-of-War during World War II. I further declare that on October 31, 1947, I was a national of Italy. There is attached herewith a duly authorized and authentic certificate of nationality."

(Signature)

(Prisoner-of-War
Number)

The Minister of the Treasury to the American Treasury Representative

[TRANSLATION]

ITALIAN REPUBLIC
The Ministry of the Treasury
Prot. n. 305179 A. V.

ROME, February 14, 1948

DEAR DR. TASCA:

I refer to your letter of February 14, 1948, and to the "Memorandum" thereto attached, regarding the regulation and methods of payment of credit certificates held by Italian soldiers formerly prisoners of war in the United States of America.

I am happy to inform you that the intentions manifested by the United States Government and the procedure indicated in the aforementioned "Memorandum", are to be considered as satisfactory.

It is understood, therefore, that the same "Memorandum" constitutes a definitive agreement with respect to the procedure to be followed in the regulation and liquidation of the credits in question.

I avail myself of the occasion, dear Dr. Tasca, to renew to you the assurances of my highest consideration.

The Minister
DEL VECCHIO

Dr. HENRY J. TASCA
Treasury Representative
American Embassy—Rome